

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

JAMES SEABA and CORY PHILLIPS,

Plaintiffs,

v.

MESOSYSTEMS TECHNOLOGY, INC.,

Defendant.

02 JUN 17 PM 1:44  
*H*

NO. CIV-02-0103 LH/WWD  
*R*

**DEFENDANT'S MOTION TO SUPPLEMENT ITS REPLY  
MEMORANDUM IN SUPPORT OF MOTION TO DISMISS OR  
TRANSFER FOR IMPROPER VENUE**

Defendant MesoSystems Technology, Inc. ("MesoSystems"), by and through its attorneys respectfully requests this Court for leave to supplement its Reply Memorandum In Support of Motion to Dismiss or Transfer For Improper Venue with the information set forth in the Affidavit of Robert Hamic In Support of Defendant's Motion to Supplement, attached as Exhibit A.

As grounds for this Motion, MesoSystems concurrently files its Memorandum in support of this Motion.

Opposing counsel was contacted and does not oppose this motion so long as they are allowed to file a Response to the Supplemental Reply.

WHEREFORE, MesoSystems respectfully prays for leave to supplement its Reply Memorandum In Support of Motion to Dismiss or Transfer For Improper Venue with the information set forth in the attached Exhibit A.

DATED: 6/12/02  
*H*

Respectfully Submitted:

**BAUMAN, DOW & McINTOSH, P.C.**

By \_\_\_\_\_

Christopher P. Bauman

Molly B. McIntosh

Attorneys for Defendant

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AND

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(425) 453-7350-facsimile

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing Motion to Supplement was mailed via U.S. Mail to the following, on this 12 day of June, 2002.

Lisa Mann

Angelo J. Artuso

Erin E. Langenwalter

MODRALL LAW FIRM

Attorneys for Plaintiffs

PO Box 2168

Albuquerque, New Mexico 87103-2168

(505) 848-1800

Molly B. McIntosh

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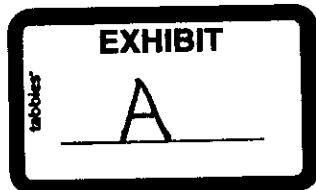
NO. CIV-02-0103 LH/WWD

AFFIDAVIT OF ROBERT HAMIC  
IN SUPPORT OF DEFENDANT'S MOTION TO SUPPLEMENT

STATE OF NEW MEXICO                )  
  )  
  ) ss.  
COUNTY OF BERNALILLO                )

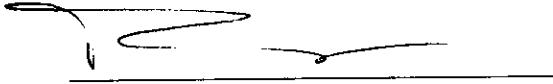
Robert W. Hamic, Jr., upon his oath states the following to be true and correct:

1. I am employed as a private investigator by the Everest Group, L.L.C. and in that capacity conducted an investigation for Mesosystems Technology, Inc.
2. In the course of my investigation, I determined that Mr. James Seaba used to live in rental property at 9300 Farragut Dr. NE, Albuquerque, NM. 87111, and Mr. Phillips used to live in rental property at 8605 Alta Loma, NE, Albuquerque, NM 87112.
3. Mr. Seaba no longer lives in Albuquerque. I have located Mr. Seaba's new address which is 685 Avalon Pl. , Coralville, IA 52241.



4. Mr. Phillips no longer lives in Albuquerque, either. I have located him at P.O. Box 4713, Detroit, MI 48204 and street address 5336 Burlington St., Detroit, MI 48204.

FURTHER AFFIANT SAYETH NAUGHT.



Robert W. Hamic

STATE OF NEW MEXICO                )  
  )  
COUNTY OF BERNALILLO                ) ss.  
  )

This instrument was acknowledged before me by Robert W. Hamic this 6<sup>th</sup> day of June, 2002.



Hilda Kennedy  
NOTARY PUBLIC

My Commission Expires:

09-11-04

